

16523 U.S. PTO  
07/23/03

Docket No. BLACK TEA DIV

Commissioner for Patents  
Alexandria, VA 22313-1450

19249 U.S. PTO  
10/625500  
07/22/03

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of

Inventor(s): **THOMAS J. SLAGA, JIFU ZHAO**

For (title): **IMPROVED PROCESSING METHOD FOR MANUFACTURING BLACK TEA AND  
IMPROVED BLACK TEA**

**1. Type of Application**

This new application is for a(n):

- |                                   |   |
|-----------------------------------|---|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Divisional      |
| <input type="checkbox"/> Design   | <input type="checkbox"/> Continuation               |
| <input type="checkbox"/> Plant    | <input type="checkbox"/> Continuation-in-part (CIP) |

**2. Benefit of Prior U.S. Application(s) (35 USC §120)**

☒ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.**

**3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR §1.53(b) (Regular) or 37 CFR §1.153 (Design) Application**

- 12 Pages of specifications  
2 Pages of claims  
1 Pages of abstract  
0 Sheets of drawing  
    ☐ formal  
    ☐ informal

**4. Additional papers enclosed**

- ☐ Preliminary Amendment  
☐ Information Disclosure Statement  
☐ Form PTO-1449  
☐ Citations  
☐ Declaration of Biological Deposit  
☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative  
☐ Special Comments  
☐ Other

**5. Declaration or oath**

- ☐ Enclosed, executed by

- ☐ inventor(s).  
☐ legal representative of inventor(s). 37 CFR §1.42 OR §1.43  
☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.  
☐ this is the petition required by 37 CFR §1.47 and the statement required by 37 CFR §1.47 is also attached.  
☒ Not Enclosed.  
☐ Application is made by a person authorized under 37 CFR §1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR §1.16(e) can be filed subsequently.  
☐ Showing that the filing is authorized.

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- ☒ The same  
☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,  
☐ is submitted. ☐ will be submitted.

**7. Language**

- ☒ English  
☐ non-English  
☐ the attached translation is a verified translation. 37 CFR 1.52(d).

**8. Assignment**

- ☐ An assignment of the invention to  
☐ is attached. ☐ will follow.

**9. Certified Copy**

Certified copy(ies) of application(s)

(Country)	(Appln. No.)	(Filed)
(Country)	(Appln. No.)	(Filed)

from which priority is claimed:

☐ is(are) attached. ☐ will follow.

**10. Fee Calculation (37 CFR §1.16)**

A. ☒ **Regular application**

CLAIMS AS FILED

Number filed	Number Extra	Rate	Total
<hr/>			
Basic Fee			\$750.00
<hr/>			
Total Claims	12 - 20 =	28	x \$ 18.00
<hr/>			
Independent Claims (37 CFR 1.16(b))	2 - 3 =	0	x \$ 84.00
<hr/>			
Multiple dependent claim(s), if any (37 CFR 1.16(d))		0	\$200.00
<hr/>			

- ☐ Amendment canceling extra claims enclosed.  
☐ Amendment deleting multiple dependencies enclosed.  
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$750.00

       **B.**     ☐     **Design application**  
   (\$150.00--37 CFR §1.16(f))

Filing Fee Calculation     \$           

       **C.**     ☐     **Plant application**  
   (\$250.00--37 CFR §1.16(g))

Filing Fee Calculation     \$           

**11. Small Entity Statement(s)**

☒ APPLICANT IS A SMALL ENTITY..

Filing Fee Calculation (50% of A, B or C above)     \$375.00

**12. Request for International-Type Search (37 CFR §1.104(d))**

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made At This Time**

- ☒ Not Enclosed  
☐ No filing fee is to be paid at this time.  
☐ Enclosed

- ☐ basic filing fee \$ \_\_\_\_\_
  - ☐ recording assignment (\$8.00; 37 CFR §1.21(h)) \_\_\_\_\_
  - ☐ petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$120.00; CFR §1.47 and §1.17(h)) \$ \_\_\_\_\_
  - ☐ for processing an application with a specification in a non-English language. (\$30.00; 37 CFR §1.52(d) and §1.17(k)) \$ \_\_\_\_\_
  - ☐ processing and retention fee (\$120.00; 37 CFR §1.53(d) and §1.21(l)) \$ \_\_\_\_\_
  - ☐ fee for international-type search report (\$30.00; 37 CFR §1.21(e)) \$ \_\_\_\_\_
- Total fees enclosed** \$ \_\_\_\_\_

**14. Method of Payment of Fees**


- ☐ Check in amount of \$ \_\_\_\_\_
- ☐ Charge Account No. 50-0894 in the amount of \$ \_\_\_\_\_. A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper during the entire pendency of this application to Account No. 50-0894.
  - ☐ 37 CFR §1.16 (a), (f) or (g) (filing fees)
  - ☐ 37 CFR §1.16 (b), (c) and (d) (presentation of extra claims)
  - ☐ 37 CFR §1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
  - ☐ 37 CFR §1.17 (application processing fees)
  - ☐ 37 CFR §1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR §1.311(b))

**16. Instructions As To Overpayment**

- ☐ credit Account No. 50-0894
- ☒ refund

  
 \_\_\_\_\_  
 DAVID G. HENRY  
 Registration No. 32,735  
 900 Washington Avenue, 7<sup>th</sup> Floor  
 P.O. Box 1470  
 Waco, Texas 77603-1470  
 (254) 755-4100

☐ **Incorporation by reference of added pages**

- ☐ Plus Added Pages For New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_

☐ Plus Added Pages for Papers Referred To In Items \_\_\_\_ Above

Number of pages added \_\_\_\_\_

☐ **Statement Where No Further Pages Added**

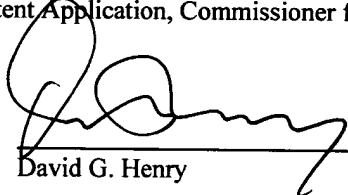
☐ This transmittal ends with this page.

**CERTIFICATION UNDER 37 CFR 1.10**

Express Mail Label Number: EV 298570530 US

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date indicated below in an envelope as "Express Mail Post Office to Addressee" addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

7/23/03  
Date

  
\_\_\_\_\_  
David G. Henry

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED**

**17. Relate Back - 35 U.S.C. §120**

☒ Amend the Specification by inserting before the first line the sentence:

"This is a

☐ continuation

☐ continuation-in-part

☒ divisional

of copending application(s)

☒ serial number 09/721,438 filed on 11/22/2000

☐ International Application \_\_\_\_\_ filed on  
\_\_\_\_\_ and which designated the U.S."

**18. Relate Back - 35 U.S.C. 119 Priority Claim for Prior Application**

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 16, in turn itself claim(s) foreign priority(ies) as follows:

Country	appl. no.	filed on
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The certified copy(ies) has (have)

☐ been filed on \_\_\_\_\_ in prior application 0 / \_\_\_\_\_ which was  
filed on \_\_\_\_\_

☐ is (are) attached

**19. Maintenance of Copendency of Prior Application**

A. ☐ Extension of time in prior application

☐ A petition, fee and response extends the term in the pending **prior**  
application until \_\_\_\_\_

☐ A **copy** of the petition filed in prior application is attached

☒ No action has been taken in prior application

B. ☐ Conditional Petition for Extension of Time in Prior Application

☐ A conditional petition for extension of time is being filed in the pending **prior** application

☐ A **copy** of the conditional petition filed in the prior application is attached

20. **Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

(a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☐ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted:

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*(name(s) of inventor(s) to be deleted)*

(b) ☒ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application the inventor(s) in this application are

☒ the same

☐ the following additional inventor(s) have been added

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*(name(s) of inventor(s) to be added)*

(c) The inventorship for all the claims in this application are

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted

☐ will be submitted

21. **Abandonment of Prior Application (if applicable)**

☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

22. **Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

☒ This application transmittal ends with this page

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. §120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120					
U.S. APPLICATIONS			Status (Check one)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned	
1. 09/721,438	11/22/2000		x		
2.					
3.					
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLI- CATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)			
4.					
5.					